

REMARKS

Applicants elect Group II, claims 13-18 and 20 with traverse. In the amendment above, claims 11-12, 19, and 21-24 are canceled without prejudice or disclaimer. Claims 25-33 have been added, where claims 25-27 correspond with previous claims 11, 12, and 19. Claims 31-32 correspond with previous claims 23 and 24. No new matter has been added. Claims 13-18, 20, and 25-33 are pending. Applicants respectfully submit that the pending claims possess unity of invention for at least the following remarks herein. Favorable consideration and examination of the pending claims is respectfully requested.

The Restriction contends that “[T]he inventions listed as Groups I-V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Strausberg et al. (2002 PNAS 99:16899-1 6903) teach generation of more than 15000 full-length human and mouse cDNA sequences, among them a sequence with 100% identity to SEQ ID NO:2 (See enclosed alignment, sequence submitted May of 2003 to EMBL/GenBank/DDBJ). Therefore, the first claimed invention does not constitute a contribution over the prior art and does not have a special technical feature. Thus, the first claimed invention cannot share a special technical feature with the other claimed inventions.”

Applicants respectfully disagree. The present application is a national phase application of PCT/CN2003/000956 claiming the priority of CN 02145253.9 filed on November 13, 2002. Applicants respectfully note that foreign priority has not been acknowledged in the Office Action Summary, and request that foreign priority be acknowledged. For the Examiner’s convenience, enclosed herewith please find a certified translation of the priority document CN 02145253.9 together with PCT/IB/304 (Notification concerning submission or transmittal of priority document).

Regarding Strausberg et al. and the sequence BC052182 cited in the Restriction Requirement, Applicants submit that:

(a) This reference was published on December 24, 2002, which is later than Applicants’ priority date. On the right column, page 16899, it is mentioned that “*Data deposition: All MGC sequences have been deposited in the GenBank database (accession nos, can be found in Table 1 which is published as supporting information on the PNAS*

web site. *www.pnas.org*) and can be accessed through the MGC web Site (*http://mgc.nci.nih.gov*).”

(b) Applicants have searched said Table 1 and found that the sequence BC052182, which encodes an amino acid sequence with 100% identity to SEQ ID NO: 2 of Rhor, is not included in said Table 1 (See attached document “Supporting information for Mammalian Gene Collection Program Team (2002) Proc. Natl. Acad. Sci.”) In fact, the sequence BC052182 was submitted in May of 2003, which is later than the publication date of December 24, 2002 and later than the priority date of November 13, 2002. (See specified portions of attached alignment and “SCORE Search Results.”)

(c) The sequence AY167043, corresponding to SEQ ID NO: 1 and 2 of the invention, was submitted by the inventors of this application in October 2002 (e.g., Kong X. is “Kong, Xiangyin”, “Li S” is “Li, Shanru”, etc.). (See specified portions of attached “SCORE Search Results.”)

Based on the above facts, once the foreign priority is acknowledged, the claimed invention (original claim 11 and now claim 25) does constitute a contribution over the prior art and does have a special technical feature, which is the amino acid sequence of Rhor polypeptide, i.e., SEQ ID NO: 2.

Therefore, the claims 13-18, 20 of Group II and new Claims 25-33 are linked and relate to a single general inventive concept under PCT Rule 13.1.

In view of the above amendments and remarks, Applicants respectfully request examination of the pending claims 13-18, 20, and 25-33, and respectfully request favorable consideration of the claims in the form of a Notice of Allowance. If any questions arise regarding this communication, the Examiner is invited to contact Applicants’ representative listed below.

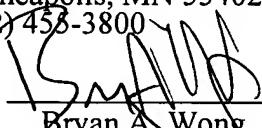


Dated: June 6, 2007

Respectfully submitted,

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